

**TESTIMONY OF  
JOHN PETER SUAREZ  
ASSISTANT ADMINISTRATOR FOR  
ENFORCEMENT AND COMPLIANCE ASSURANCE  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE  
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

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Mr. Chairman and Members of the Committee, I am J.P. Suarez, Assistant Administrator for OECA. Thank you for inviting me to appear before you today to discuss project delivery and environmental stewardship under the Transportation Equity Act for the 21st Century (TEA-21). I understand the Committee is particularly interested in EPA's contribution to the environmental streamlining called for in Section 1309 of TEA-21.

I am pleased to be here today as this is the first time I have testified before you since my confirmation. I look forward to a productive relationship with this Committee and to working with you as you consider reauthorization of the TEA-21 legislation. As you know, I am responsible for EPA's National Environmental Policy Act (NEPA) program. In addition to OECA, other EPA programs have an interest in various TEA-21 provisions, such as those related to congestion management and air quality. My remarks today will focus on how EPA has incorporated the provisions of Section 1309 into the NEPA program.

EPA embraces the streamlining provisions of Section 1309. We are committed to working with our federal and State partners to better serve the American people with faster yet environmentally sound, transportation decisions. We are bringing our special expertise to bear earlier in the transportation decision making process to improve the quality of analysis, protect the environment, and speed project approvals. We have put new staff in key positions: we hired a manager with Federal Highway Administration (FHWA) experience for EPA's regional NEPA office in California; and, in Texas, another state with a large number of highway projects, the regional office placed an EPA NEPA employee in the Texas Department of Transportation (DOT) office. In several key states, we are able to provide more timely and sustained assistance on state priority projects thanks to the additional personnel funded by State DOTs that Section 1309 allows. While it is too early in the process to measure time savings for many of these efforts, we are confident that we will be able to quantitatively demonstrate the value of these investments in the near future.

Interstate Highway 69, a proposed 1600-mile across-America highway – from Mexico to our border with Canada – is a good example of EPA's current effort to expedite a specific national priority project. Three EPA regions are coordinating with the FHWA and seven State DOTs to identify and resolve environmental issues at the earliest possible stage. On February 22, 2002, the EPA Regions sent one set of coordinated and consistent pre-Environmental Impact Statement (EIS) technical

comments to the many highway offices and federal agencies working on project design. The EPA regions are also providing technical assistance to the State DOTs with geographic mapping of sensitive resources to improve and streamline the environmental impact analyses. In fact, Arkansas estimates that in one recent case use of GIS and early coordination cut in half the time needed to complete the NEPA process.

While EPA has devoted considerable energy to implementing Section 1309, we realize there needs to be more progress before we have a truly streamlined transportation review process. Both we and our State partners recognize that it takes an up-front investment to produce a pay-off. Initially, having all the stakeholders at the table well ahead of the Draft EIS takes more time on the planning end. However, indications are that well-planned projects do move faster once the environmental documentation is completed. FHWA's statistics show that one year has been shaved off the median time to process environmental documents for major projects since passage of TEA-21. And, we are encouraged that newer tools such as geographic information system analysis are starting to have a marked impact on the speed of the environmental analysis.

As we work more closely than ever with FHWA and with the State DOTs, formal agreements are being cooperatively negotiated that set the stage for future early involvement and technical assistance on individual projects. Within a year of TEA-21's enactment, EPA had expanded the model process developed with the mid-Atlantic States, FHWA and our other federal and State partners to streamline the environmental review of transportation projects. The Mid-Atlantic Transportation and Environment Process, also known as the MATE Process, resulted in a formal agreement that commits all parties to a timely, cost-effective, and environmentally sound transportation project development process. This agreement is supported by specific project development and agreement steps and specified input and concurrence points to avoid future gridlock. The mid-Atlantic States are funding four EPA positions through streamlining agreements between EPA and the individual States.

In addition to the MATE process in the Mid-Atlantic, other EPA regional offices have signed a variety of streamlining agreements tailored to the needs of individual States. For example, last year EPA and the California DOT (CALTRANS) signed an MOU for the review of California's priority transportation projects. TEA-21 substantially increased the number of transportation projects in California, and through this agreement CALTRANS ensures increased EPA early involvement in project planning and development. Early involvement reduces delays at the later stages of project review resulting from interagency disagreements. It also ensures that critical resource issues are identified and analyzed, which can reduce the time lost to third-party litigation on the adequacy of the NEPA documentation. This MOU followed a July 2000 agreement (the Mare Island Accord) which has resulted in improvements such as joint training of EPA and CALTRANS staff. Joint training has long-term benefits by ensuring that the staff in both agencies have a shared understanding of each agency's requirements and the analytical processes that are needed to ensure a review that will meet all statutory and regulatory requirements.

Another outgrowth of the Mare Island Accord is a pilot project to which CALTRANS, EPA, FHWA and the Merced County Association of Governments have committed staff and funding. The Merced Partnership for Integrated Planning will update the STET regional transportation plan taking into account environmental requirements; this project is supported with a geographic information system analysis and is intended to become the model for regional transportation planning California-wide.

In Oregon, EPA and the State have formally agreed to prescribe and implement a specific process for resource agency involvement and streamlining. And, after the Washington State Legislature passed its Environmental Permit Streamlining Act last year, EPA became an active partner in developing and implementing streamlined processes in that State. Additionally, EPA is serving as a cooperating agency with the Kansas DOT on the U.S. 59 project and on the I-70 Second Tier studies in Missouri. EPA and the Minnesota DOT are working under an MOU to streamline the approval process for the 169 Trunk Highway.

Our stronger relationship with the States is exemplified by our participation in streamlining discussions at many of the American Association of State Highway and Transportation Officials (AASHTO) Planning and Environment Committee meetings. We greatly appreciate the State association's invitation to meet and their willingness to discuss our experiences with streamlining. EPA certainly benefits from hearing directly from State DOTs about their successes and frustrations in dealing with us! This level of direct discussion with AASHTO members has come about since the passage of TEA-21, and we believe results from Congress' emphasis on streamlining. EPA also is participating in the development of AASHTO's Center for Environmental Excellence. This Center holds great potential for sharing expertise across agency and state boundaries on a quick-turn-around basis, another result of the improved collaboration streamlining has engendered.

One very encouraging sign EPA has noted since the passage of TEA-21 four years ago is the growing endorsement of environmental stewardship by the State DOTs. Half of our State DOT partners are formally supporting AASHTO's Environmental Stewardship Demonstration Program. This program has tremendous potential from an environmental, transportation and financial perspective. New York State, for example, has found that by mulching land adjacent to highways, the state saves mowing costs while preventing stream damage from runoff. The more we can build environmental considerations into all aspects of transportation planning and delivery, the better we will serve the American public by providing environmentally sound transportation solutions.

At the national level, EPA has taken a number of steps to promote streamlining since the passage of Section 1309. A National MOU on Environmental Streamlining set the stage for a number of specific initiatives, including EPA's early involvement in the planning and scoping of projects and EPA's active participation in streamlining pilots. EPA participates in FHWA's streamlining committee, and is working with FHWA to develop guidance and training on streamlining. We have helped train federal resource agencies on drafting streamlining MOUs with State DOTs to strengthen relationships in the field and improve project management. We continue to encourage our regional offices, where most

NEPA reviews are done, to work with their states to obtain funding for positions and technical support. These resources are providing intensive expedited attention to State priority transportation projects.

EPA is also working with FHWA in its effort to develop training for federal agencies and State DOTs on Alternative Dispute Resolution. This training, expected to start next Spring, will ensure that disagreements during the project review process can be identified and swiftly resolved.

In conclusion, I would like to endorse the critical role NEPA plays in coordinating environmental requirements. NEPA has served the American public well for 30 years by providing full disclosure of the impacts of major federal actions and requiring an examination of alternative ways to achieve a project's purpose. EPA is committed to streamlining as the way to make NEPA even more effective through a more efficient and timely process.

Thank you for the opportunity to testify today. I would like to work with you as you continue to promote environmental stewardship and streamlining. These efforts are good for the environment and the economy, and they allow EPA to focus our resources where we can achieve the best results.

I look forward to responding to any questions you may have.